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ABSTRACT

This pamphlet is intended to help educators understand the fundamentals of what the No Child Left Behind Act (NCLB) Title III means for their educational programs and curricula to help all limited English proficient (LEP) students and immigrant children and youth succeed in learning English and meeting the same challenging state academic content and student academic achievement standards expected of every child in the United States. The first section answers questions about key NCLB proficiency requirements (e.g., what is required of LEP students and who is accountable, what Title I says about achievement gaps, when and how English language proficiency is assessed, and the role of parents). The second section presents activities for improving language instruction educational programs under Title III, Part B (program development and enhancement; research, evaluation, and dissemination; professional development; and the Emergency Immigrant Education Program). The third section presents 13 guiding questions for educators (e.g., how the state has identified, developed, or implemented measures of English proficiency standards, performance objectives, and assessments, and the extent to which objectives for raising English proficiency of LEP students is aligned with state standards). (SM)

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Understanding the No Child Left Behind Act of 2001

English Proficiency

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The No Child Left Behind Act of 2001

Title III: Language Instruction for Limited-English-Proficient and Immigrant Students

As a reauthorization of the Elementary and Secondary Education Act (ESEA), Congress passed the No Child Left Behind (NCLB) Act of 2001. Signed into law by President Bush in January 2002, the legislation brings many significant changes to schools nationwide.

The new law consolidates the Bilingual Education Act and the Emergency Immigrant Education program, formerly under Title VII of ESEA, into the new Title III state formula grant system, titled "English Language Acquisition, Language Enhancement, and Academic Achievement Act." Grants to states will be allotted as follows: 80 percent based on the number of limited-English-proficient (LEP) students and 20 percent based on significant increases of immigrant children enrollments in the state. The Title III federally administered competitive grant system, titled "Improving Language Instruction Educational Programs," may also be enacted if Congress appropriates less than $650 million. NCLB authorized $750 million in FY2002—and such sums through FY2007. The purpose of this brochure is to help educators understand the fundamentals of what NCLB Title III means for their educational programs and curricula to help all LEP students and immigrant children and youth succeed in learning the English language and meeting the same challenging state academic content and student academic achievement standards expected of every child in the United States.

The term *limited-English-proficient* is used in this brochure to reflect the language in NCLB. LEP students, often referred to as English language learners (ELL) or English as a second language (ESL) learners, are students acquiring English as a new language of their education. The law defines an LEP student as an individual who (1) is 3 to 21 years old; (2) is enrolled in an elementary or secondary school; (3) was not born in the United States or whose native language is not English, who is a Native American or Alaska Native, who comes from a background where English is a nonmajor language, who is migratory and from a non-English-language environment; and (4) whose level of English proficiency may deny him or her the ability to reach a proficient achievement level on state tests, to succeed in English-led classrooms, or to participate fully in society.

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Key NCLB English Proficiency Requirements

What is required of LEP students and who is accountable?

Title III sets specific goals for LEP students, including immigrant students, to ensure that they:

- Develop and reach English proficiency.
- Attain high levels of academic achievement in core content areas.
- Meet the same academic content and achievement standards as other children are expected to meet.

State education agencies (SEAs), local education agencies (LEAs), and schools are responsible for increasing English proficiency (comprehension, speaking, listening, reading, and writing skills in English) and core content knowledge (reading, mathematics, and science) of LEP and immigrant students.

What does Title I say about the achievement gaps?

It ensures that all children, including children in "highest-poverty schools, LEP children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance," have a fair and equal opportunity to high-quality education (Sec. 1001 [2]). Closing the achievement gaps "between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers" is critical (Sec. 1001 [3]).

How is progress of all students ensured?

To achieve academic proficiency for all students by 2014, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and LEP students, the law requires states to specify annual measurable objectives that must rise in equal increments and requires districts and schools to measure student adequate yearly progress (AYP) to ensure that all students demonstrate English and academic proficiency.

When and how is English language proficiency assessed?

Districts must assess LEP students annually for their English proficiency starting in the 2002–2003 school year, when states develop and implement assessments of all children in Grades 3–5, 6–9, and 10–12. Each state will:

- Establish annual measurable objectives for its LEP students, in consultation with LEAs, educators, and parents (Title I, Part A, Subpart 1, Sec. 1111, [G]).
- Assess LEP students in "a valid and reliable manner" and accommodate for students' language needs, when necessary and practicable (Title I, Part A, Sec. 1111).
- Assess all LEP students for reading and language arts in English (unless reliable data cannot be collected) after they have attended school in the United States for at least three consecutive years (Title I, Part A, Sec. 1111 [b] [7]).
- Hold subgrantees responsible for making annual increases in student English proficiency.

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How is the success of LEP students achieved?

Title III aims to assist all LEP and immigrant students "to achieve at high levels in the core academic subjects" so that they can succeed at school (Part A, Sec. 3102, [2]). SEAs and LEAs must establish English proficiency standards and objectives that are aligned with state standards and develop high-quality language instruction educational programs.

What defines a highly qualified teacher of LEP students?

Districts must certify that teachers of LEP students are "fluent in English and any other language used for instruction, including having written and oral communication skills" (Title III, Part A, Sec. 3116 [c]).

What is the role of parents?

Title I and Title III, Part C, Sec. 3302, require that parents:

- Be notified if their child demonstrates limited English proficiency and needs English language instruction.
- Be informed about how such instruction will help their child meet his or her strengths and needs, about achievement standards for grade promotion, and about exit requirements.
- Have the right to remove their child from an LEP program or choose another program, if offered.

The law requires that LEAs notify parents in an understandable format and language, and inform them of how they "can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects" and meet challenging achievement and content standards (Title III, Part A, Sec. 1112 [g-1]).

How does the law define effective language instruction?

Title III, Part A, gives SEAs and LEAs flexibility to "implement language instruction educational programs, based on scientifically based research on teaching LEP children, that the agencies believe to be the most effective for teaching English." A language instruction educational program is a course that helps LEP students develop and reach English proficiency, may use both English and the student's native language, and may include English proficient students to allow all students in the course to become language proficient (Title III, Part C, Sec. 3301 [8]). All language instruction programs must demonstrate improved classroom practices and academic achievement of LEP students.

KEY RESEARCH STUDIES

Antunez, B. (2002). *Implementing Reading First with English Language Learners* (www.ncela.gwu.edu/ncbepubs/directions/15.pdf). This paper synthesizes research-based recommendations to teachers of LEP students about implementing the Reading First components effectively into reading programs that serve LEP students.

Cummins, J. (1981). The Role of Primary Language Development in Promoting Educational Success for Language Minority Students is a chapter (pp. 3–49) in *Schooling and Language Minority Students: A Theoretical Framework*, published by the Office of Bilingual Bicultural Education.

Thomas, W., & Collier, V. (2002). *A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement Final Report: Project 1.1.* (www.crede.ucsc.edu/research/llaa/1.1_final.html). This longitudinal research study (1996–2001) presents findings from many databases on student academic achievement based on various language instruction programs in which students participated.

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Activities for Improving Language Instruction Educational Programs Under Title III, Part B

The purposes of Title III, Part B, include improving educational programs that serve LEP students, promoting multicultural understanding, developing the English and native language skills (to the extent possible) of LEP students, similarly supporting and assisting Native Americans, developing technical assistance and research to support school improvement for LEP students, and providing professional training to educators working with LEP students. The following activities will receive federally administered competitive grants for any academic year for which appropriations are less than $650 million.

Program development and enhancement (Title III, Part B, Subpart 1) activities will be funded to help LEAs, higher-education institutions, and community-based organizations improve LEP students' education by:

- Enhancing program activities (e.g., provide high-quality education programs for LEP students, provide professional development for educators to improve instruction and assessment of LEP students, annually assess the English proficiency of all LEP students).
- Enhancing comprehensive school and systemwide improvement activities (e.g., provide professional training to school personnel, recruit teachers, implement family education programs).

On a priority basis, grants will be awarded for three years to entities that serve a school district with a total enrollment of fewer than 10,000 students or that have a large number or significant increase of LEP students and have limited experience in serving those students.

Research, evaluation, and dissemination (Title III, Part B, Subpart 2) activities of higher-education institutions, nonprofit organizations, SEAs, and LEAs may be funded for the following:

- Providing practical applications to educators in improving the education of LEP students and their families.
- Researching effective instruction practices and strategies to be used by a teacher of LEP students.
- Establishing a common definition of the term *limited-English-proficient* child.

Professional development (Title III, Part B, Subpart 3) activities of SEAs, LEAs, institutions of higher education, or other organizations may be funded for four years to prepare educators of LEP students by:

- Implementing professional development programs.
- Assisting beginning teachers to transition into the profession of teaching LEP students.
- Supporting effective teacher use of educational technologies.
- Developing curricular materials and assessments appropriate to the needs of LEP students.

The Emergency Immigrant Education program (Title III, Part B, Subpart 4) will assist LEAs in providing high-quality instruction to unexpectedly large increases of immigrant students and in helping with their transition into American society and their meeting the same academic content and achievement standards as all students. It may include the following:

- Assisting parents to become active participants in the education of their children.
- Supporting teaching personnel who serve LEP students.
- Tutoring, mentoring, and counseling for immigrant children and youth.
- Acquiring curricular materials, educational software, and technologies.

The amount equal to the proportion of the number of immigrant students relative to such students in other states will be paid to states by the secretary for FY2002–2008.

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Guiding Questions for Educators

1. How has your state identified, developed, or implemented measures of English proficiency standards, performance objectives, and assessments? Who is involved in the process?
2. To what extent are objectives for raising English proficiency of LEP students aligned with state standards? How were those objectives established?
3. What are your state's policies of testing all student groups? Are those policies ready to accommodate for LEP students? How is such testing data used to inform policymaking to eliminate achievement gaps?
4. How will your SEA hold LEAs accountable for meeting all annual objectives for LEP students? How are those objectives measured, and do they account for different talents of LEP students?
5. How is your school planning to define and comply with AYP for LEP students?
6. How are the current assessment approaches in your school/district showing LEP students' progress in learning? How is such assessment valid and reliable in terms of the accountability requirements?
7. How has your district established a plan for providing high-quality professional development to all teachers, principals, and administrators to improve instruction and assessment of LEP students?
8. What is the process of assessing the quality of teacher preparation?
9. To what extent is professional development practice informed by scientifically based research that demonstrates increased English proficiency, as well as by expertise of teachers who work with LEP students?
10. To what extent are parental and community participation promoted in programs to support LEP students? How are parents educated so they can make sound decisions?
11. Are the language instruction educational programs at your school based on rigorous research-based findings demonstrating improved English language proficiency? How, if at all, are these programs also demonstrating effectiveness in increasing student core-subject academic achievement?
12. How will the language instruction educational program(s) in your district ensure that LEP students develop English proficiency?
13. To what extent are activities funded under Title III in alignment with Title I requirements and other school reforms? How is your school or district ensuring its capacity building?

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The following resources provide detailed information on the No Child Left Behind Act:

No Child Left Behind Act of 2001: **www.ed.gov/legislation/ESEA02**

No Child Left Behind: A Desktop Reference: **www.ed.gov/offices/OESE/reference.pdf**

No Child Left Behind Act of 2001, Title III—Language Instruction for Limited English Proficient and Immigrant Students: **www.ed.gov/legislation/ESEA02/pg39.html**

No Child Left Behind: **www.nochildleftbehind.gov**

OELA's [Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students] Title III Tool Kit: **www.ncela.gwu.edu/oela/summit/cd/index.swf.** The kit assists educators in implementing Title III of NCLB and includes references of key provisions, an implementation guide, slide presentations, and federal resources.

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NCREL Key Resources

NCREL, one of the nation's ten Regional Educational Laboratories, has resources to assist you in understanding and implementing NCLB in your school or district. Visit our Web site (www.ncrel.org) and *Ahead of the Curve* Web site (www.ncrel.org/policy/curve) containing NCLB information.

***Pathways* Critical Issue "Mastering the Mosaic—Framing Impact Factors to Aid Limited English Proficient Students in Mathematics and Science"** (www.ncrel.org/sdrs/areas/issues/content/cntareas/math/ma700.htm) highlights research-based findings on ways to help LEP students succeed in mathematics and science learning.

***Pathways* Critical Issue "Addressing Literacy Needs in Culturally and Linguistically Diverse Classrooms"** (www.ncrel.org/sdrs/areas/issues/content/cntareas/reading/li400.htm) gives insight into teaching in diverse classrooms.

NCREL's Learning Point magazine article **"Tecnología Para Todos: Using Technology to Break Through Language Barriers in Schools"** (www.ncrel.org/info /nlp/lpf02/todos.htm) focuses on strategic technology use with LEP students.

ADDITIONAL KEY RESOURCES

State Departments of Education. Schools will find important information on how to support their LEP students by contacting their state departments of education.

National Association of Bilingual Education (NABE) (www.nabe.org) Web site focuses on ensuring that LEP students receive high-quality education and on supporting bilingual education professionals.

National Clearinghouse for English Language Acquisition (NCELA) (www.ncela.gwu.edu). Formerly known as the National Clearinghouse for Bilingual Education, NCELA provides current information on language-instruction educational programs and teaching culturally and linguistically diverse students.

AskNCELA (www.ncela.gwu.edu/askncela/26ayptests.htm) and (www.ncela.gwu.edu/askncela/25tests.htm). These pages on NCELA's Web site list various tests that educators may find useful in assessing and measuring their LEP students' adequate yearly progress (AYP) in content knowledge and their language proficiency levels.

NCELA Funding Opportunities (www.ncela.gwu.edu/new/funding.htm) Web page provides a list of federal funding opportunities regarding LEP student education.

Center for Research on Education, Diversity & Excellence (CREDE) (www.crede.ucsc.edu) provides teachers with publications, standards, tools, and research findings on best practices to teach linguistically and culturally diverse students.

Center for Applied Linguistics (CAL) Directory of *Two-Way Bilingual Immersion Programs in the U.S.* (www.cal.org/twi/directory) profiles over 200 two-way immersion programs in the country.

Teachers of English to Speakers of Other Languages (TESOL) Advocacy (www.tesol.org/advocacy/esea.html) Web site hosts position papers and issues addressing the critical elements of the NCLB legislation.

ESL Standards for Pre-K–12 Students (www.cal.org/eslstandards) describes language standards expected of LEP students in their academic careers.

Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) (www.ed.gov/offices/OELA) provides guidelines and collective knowledge regarding federally funded programs for English language learners.

Center for Equity and Excellence in Education (CEED) Test Database (ericae.net/eac/) hosts about 200 tests categorized by assessment purposes.

Center for Advanced Research on Language Acquisition (CARLA) (carla.acad.umn.edu) supports multilingualism through its focus on second-language research, training, and assessment.

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